

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**This document relates to:**

*Track Three Cases*

**MDL No. 2804  
Case No. 17-md-2804  
Judge Dan Aaron Polster**

**NOTICE OF SERVICE OF DEFENDANTS' *DAUBERT* MOTION TO EXCLUDE THE  
OPINIONS OFFERED BY CALEB ALEXANDER**

Defendants hereby provide notice that on July 23, 2021, they served unredacted copies of the following documents on all Parties, the Court, and Special Master Cohen:

- Defendants' *Daubert* Motion to Exclude the Opinions Offered by Caleb Alexander;
- [Proposed] Order Granting Defendants' *Daubert* Motion to Exclude the Opinions Offered by Caleb Alexander;
- Defendants' Memorandum in Support of Their *Daubert* Motion to Exclude the Opinions Offered by Caleb Alexander;
- Declaration of Brian C. Hill, along with the corresponding Exhibits; and
- Summary Sheet for Defendants' *Daubert* Motion to Exclude the Opinions Offered by Caleb Alexander (also attached hereto as Exhibit A).

Dated: July 23, 2021

Respectfully submitted,

/s/ Scott D. Livingston

Robert M. Barnes  
Scott D. Livingston  
Joshua A. Kobrin  
MARCUS & SHAPIRA LLP  
35th Floor, One Oxford Centre 301 Grant Street  
Pittsburgh, PA 15219  
Phone: (412) 471-3490  
Email: [rbarnes@marcus-shapira.com](mailto:rbarnes@marcus-shapira.com)  
Email: [livingston@marcus-shapira.com](mailto:livingston@marcus-shapira.com)  
Email: [kobrin@marcus-shapira.com](mailto:kobrin@marcus-shapira.com)

*Attorneys for Giant Eagle and HBC Service Company*

/s/ Tara A. Fumerton (consent)  
Tara A. Fumerton  
Tina M. Tabacchi  
JONES DAY  
77 West Wacker  
Chicago, IL 60601  
Phone: (312) 269-4335  
Fax: (312) 782-8585  
E-mail: [tmtabacchi@jonesday.com](mailto:tmtabacchi@jonesday.com)  
E-mail: [tfumerton@jonesday.com](mailto:tfumerton@jonesday.com)

*Attorneys for Walmart Inc.*

/s/ Alexandra W. Miller (consent)  
Alexandra W. Miller  
Eric R. Delinsky  
ZUCKERMAN SPAEDER LLP  
1800 M Street, NW  
Suite 1000  
Washington, DC 20036  
Phone: (202) 778-1800  
Fax: (202) 822-8106  
E-mail: [smiller@zuckerman.com](mailto:smiller@zuckerman.com)  
E-mail: [edelinsky@zuckerman.com](mailto:edelinsky@zuckerman.com)

*Attorneys for CVS Indiana, L.L.C., CVS Rx Services, Inc., CVS Pharmacy, Inc., CVS TN Distribution, L.L.C., and Ohio CVS Stores, L.L.C.*

/s/ Kelly A. Moore (consent)  
Kelly A. Moore  
MORGAN, LEWIS & BOCKIUS LLP  
101 Park Avenue  
New York, NY 10178  
Phone: (212) 309-6612  
Fax: (212) 309-6001  
E-mail: [kelly.moore@morganlewis.com](mailto:kelly.moore@morganlewis.com)

/s/ Elisa P. McEnroe (consent)  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103

Phone: (215) 963-5917  
Email: elisa.mcenroe@morganlewis.com

*Attorneys for Rite Aid Hdqtrs. Corp., Rite Aid of Ohio, Inc., Rite Aid of Maryland, Inc. d/b/a Rite Aid Mid-Atlantic Customer Support Center and Eckerd Corp. d/b/a Rite Aid Liverpool Distribution Center*

/s/ Kaspar J. Stoffelmayr (consent)

Kaspar J. Stoffelmayr  
Brian C. Swanson  
Katherine M. Swift  
Sharon Desh  
Sten A. Jernudd  
BARTLIT BECK LLP  
54 West Hubbard Street  
Chicago, Illinois 60654  
Phone: (312) 494-4400  
Fax: (312) 494-4440  
E-mail: [kaspar.stoffelmayr@bartlitbeck.com](mailto:kaspar.stoffelmayr@bartlitbeck.com)  
E-mail: [brian.swanson@bartlitbeck.com](mailto:brian.swanson@bartlitbeck.com)  
E-mail: [kate.swift@bartlitbeck.com](mailto:kate.swift@bartlitbeck.com)  
E-mail: [sharon.desh@bartlitbeck.com](mailto:sharon.desh@bartlitbeck.com)  
E-mail: [sten.jernudd@bartlitbeck.com](mailto:sten.jernudd@bartlitbeck.com)

/s/ Alex J. Harris (consent)

BARTLIT BECK LLP  
1801 Wewatta Street, Suite 1200  
Denver, Colorado 80202  
Phone: (303) 592-3100  
Fax: (303) 592-3140  
E-mail: [alex.harris@bartlitbeck.com](mailto:alex.harris@bartlitbeck.com)

*Attorneys for Walgreens Boots Alliance, Inc., Walgreen Co. and Walgreen Eastern Co., Inc.*

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on July 23, 2021.

/s/ Scott D. Livingston